

FREMONT BOARD OF SELECTMEN**19 JANUARY 2006****APPROVED 01/26/2006**

At 6:10 pm the Board's meeting was called to order. Present were Selectmen Donald Gates Jr, Gene Cordes, and Peter Bolduc; and Heidi Carlson.

OLD BUSINESS

1. The Open Space updated handouts (parcel selection criteria and overall preservation process) are now up on the website. Kenn Jones sent the PDF files today. There was brief discussion about the Smith property as the landowner has some concerns about the fee appraised value versus the Vision revaluation ad valorem placed on the property.

2. With regard to the Comcast cable agreement, an email was received from Jason Whittet this week indicating that he is working on the questionnaire to be sent out to Fremont residents. Selectmen thought direct questions should be put on the mailer about whether or not people want public access and how much they are willing to pay for it each month. It is totally funded by user fees. Selectmen discussed the overall payout of any improvements made over the life of the contract (likely the next renewal is a 10 year contract).

Dick Heselton came into the meeting at 6:25 pm.

3. Motion was made by Bolduc and seconded by Gates to approve the minutes for 12 January 2006 as written. The vote was unanimously approved 3-0.

4. The Conservation Commission has completed the 2006 NH DRED RTP Grant application for creating of the Oak Ridge Loop Trail. This led to some discussion about use of ATV's on town property. The Board's policy from a few months ago was that there is an application process and ATV use is by permit only for those with a designated purpose and specific written permission.

Heselton asked to meet with the Board early due to there being a fire training session the station this evening at 7:00 pm. He indicated that the first meeting between Heselton, Janvrin & Kyle Murdock will be held on Thursday February 2, 2006 after the Selectmen's meeting. Selectmen were pleased to hear that it had been scheduled. Heselton also said he would be away for a part of February.

Heselton said that he had looked further into the NIMS class, and found that every organization with any federal grants (or application therefore) is supposed to have 100% participation in the training. Paul Hammond from Raymond teaches the class and Heselton is looking at a date in April for Fremont Fire to host the class, and is working with Meredith Lund at Fire Standards to set a date. Heselton added that Selectmen and Administrators are supposed to take the class as well. As discussed last week, it can also be taken on line. Selectmen said they would be interested in taking it at the fire station versus on line. Carlson is already enrolled in a class.

Heselton left the meeting to get to his training at 6:35 pm. Neal Janvrin had just entered the meeting at that time.

5. Selectmen have made some individual edits to the discipline policy for FFD, and it will be reviewed in another week. Bolduc left his with some typographical corrections to be made.

NEW BUSINESS

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1. Selectmen reviewed the accounts payable manifest for 12/31/2005 \$207,882.59; and accounts payable manifest for 01/19/2006 \$29,542.56. Motion was made to approve them both by Gates. The motions were seconded by Bolduc. The votes were unanimously approved 3-0.

2. Carlson asked the Board to process an interest abatement for Theresa Rowell Trust for administrative error in property transfer process (\$23.65) on parcel 06-050.05A. Motion so made by Bolduc and seconded by Gates. The vote was approved 3-0 and an abatement form was signed.

3. Selectmen signed an elderly tax deferral release on parcel 07-057 for the deferral amount now paid in full. The Board also approved an abatement on any interest, due to hardship. Deferrals are treated as abatements by the Tax Collector thus the payments made on deferrals are treated as town income, not property taxes.

4. The Public Budget hearing will be held at 7:30 pm on Tuesday February 7, 2006. The Committee will convene at 7:00 pm to review any petition articles submitted. The hearing will be recessed to 7:30 pm on Thursday February 9, 2006 per posting; and further recessed to Tuesday February 14, 2006 at 7:00 pm for consideration of school petition articles and to sign any final budget forms.

5. The Treasurer had provided the Board with a letter received from Martha Williamson regarding release of \$100,000 in impact fees for the 2005-06 school budget. In researching some other questions, the Zoning Ordinance provides that impact fees can only be paid out by the Treasurer on order of the Board of Selectmen. (Zoning Article XIV Section 9 C).

A review of the 2005-06 school budget revealed a bond principal payment in the amount of \$269,800 and an interest payment in the amount of \$119,422. Selectmen further looked at the Ordinance and said they would like written confirmation from the SAU that these payments were made toward school capital costs (to be in compliance with the Ordinance). Selectmen voted conditionally to release this money with verification of the capital expenditures for the school .

With regard to further question posed by the Treasurer, the Board of Selectmen indicated that since the Impact Fees do age out, that the oldest impact fee funds be depleted first.

6. Meredith Bolduc asked the Selectmen to consider the Future Land Use and Zoning Subcommittee of the Planning Board in terms of the clerical function and whether or not the Planning Board needs to formally name the members.

Selectmen felt that the Planning Board did need to designate the members of the sub-committee and determine how they will report back to the Planning Board. With regard to the clerical function, Selectmen felt that it should be done by a member other than Meredith Bolduc as there were not funds budgeted for this (when it was previously established as the Master Plan Committee in 2004) and should be treated similar to the Open Space sub-committee wherein a member keeps the notes. Perhaps this can be revisited when the 2006 budget is approved.

Selectmen also suggested that the Planning Board contact the Rockingham Planning commission to get their input on the legal standing of the committee and how they should be designated.

7. Selectmen reviewed an email from Guerwood Holmes regarding winter contracted help. He indicated that the plow truck drivers for Fremont are dedicated to the Town and do not plow elsewhere, so all of their equipment and costs are related to work here. Holmes was suggesting a \$5.00 per hour increase in the contract pay rate, that the Town buy their cutting edges and that they get a minimum amount of pay in a week when there was no snowfall. Selectmen will take these items under consideration, but given that

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they are contracted vendors, the Town may not be able to do all of this. The Board will meet with Holmes at a future meeting to discuss it.

At 7:00 pm Chief Janvrin presented a proposal to follow-up the Selectmen's request, for a Speed Monitoring trailer grant. The total cost, including shipping is \$7,565.00. There is a package of information available for review.

Janvrin said he envisions using it on locations of high traffic complaints, setting it up and leaving it for eight to ten hours. This could be used for data collection and to raise awareness about speed and traffic issues.

Selectmen felt that this equipment will augment the Police Department, and will potentially help to address some of the high problem and complaint areas. The Selectmen indicated that for a total cost to the Town of \$3,782.50 (after the grant), that it was a good idea to move ahead to Town Meeting. Selectmen voted unanimously to recommend the article on the Town Meeting Warrant.

Janvrin added that the department head meetings between he, Heselton & Murdock would be held each month on the first Thursday of the month, following the department head time at the Selectmen's meeting.

Bolduc asked Janvrin about the Davis property. Janvrin said he talked with Mr Davis at the Town Hall last week. There continue to be additional cars brought to the property. Janvrin said that he will summons the owner again.

Selectmen talked to Janvrin about the tasers, a public hearing for which is later this evening. Janvrin will be present and Officer Jason Larochelle will be here as well, as he is just back this week from training in taser use. Janvrin said the department had an eight page procedure for use of the tasers.

Officers felt that the tasers will help to eliminate the possibility of someone getting shot and of an officer wrestling with someone in trying to subdue them; or being injured or using lethal force.

Jason Larochelle came into the meeting at 7:10 pm. Janvrin said that he was planning a training once the tasers are received. He said he would like the Selectmen to see it, and that rescue would also be involved in the training.

In response to a question, Larochelle said that being tased will not make someone lose control of their bowels unless there are other extenuating circumstances. The taser probe will go through two inches of clothing and does not have to make contact with the skin. The electricity incapacitates someone for five seconds at which time the probes can be removed.

At 7:15 pm Officer Joe Gordon came into the Board's meeting.

Larochelle indicated that the only taser-related deaths have not been due to use of the taser, but to positional asphyxiation of the person in custody. He said that in with 35 in-custody deaths, 9 had tasers used on them 26 were non-taser related. Of the nine that taser was used on, it was not related to the death, there was a preexisting cardiac condition, extended confrontation with the police or a drug or alcohol issue that would have led the patient to death anyway. No lawsuits filed have been won because of taser use.

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Officer Gordon gave an example of one his officers using it in Sandown shortly after Sandown getting the units. No one got hurt, and a person well-known to the police was subdued when on prior occasions they had not been. There is very rarely any blood. The electrical impulse cauterizes any wound caused.

There was further discussion about the taser units and how they work in the field, and several questions and answers.

Fremont's procedure is that no one will carry the taser until they have been trained.

Larochelle explained that there were concerns about cardiac concerns, including pacemakers. The amperage .036 joules of these and a cardiac monitor operates at 140 to 400 joules.

At 7:32 pm Selectmen opened the Public Hearing for Fee Schedule changes. Chairman Cordes read through the public hearing notice. This notice was published in the January 2006 newsletter and in the Rockingham News on January 6, 2006. Present were Jason Larochelle, Allen Copp, Selectmen, Heidi Carlson and Neal Janvrin.

Cordes explained that the Town generally looked at any fee issues once per year and gathered them all for one public hearing. He explained the list of fees and that they are related to the Town's expenses in getting these permits, report, etc.

With no questions from the public, motion was made by Peter Bolduc and seconded by Gates to accept the fee scheduled changes as proposed. This includes: *Mail Processing Fee \$1.00; Additional Recycling Bin \$5.00; Assessing Reports – cost as determined by number of pages and time to print; Certified Mailing fee - \$11.00; Driveway Permit – new residential \$65.00; Driveway Resurface Permit \$45.00; Commercial/Multi-Family Driveway Permit \$100.00; Test pit review for subdivision preparation \$50.00 per test pit; and Tax Cards - \$0.50 per page of card.* The vote to approve the fee schedule was approved 3-0.

At 7:40 pm motion was made by Gates and seconded by Bolduc to close the Fee Schedule Public Hearing. The vote was unanimously approved 3-0.

Selectmen took a few minute recess prior to the start of the second public hearing.

Copp said he had some questions about highway department and would address them in writing to the Selectmen prior to the upcoming budget hearing and town meeting.

At 7:45 pm Selectmen moved to the main hall and opened a Public Hearing pursuant to NH RSA 31:95-b for the purchase of five tasers for the Fremont Police Department. Present were Selectmen, Chief Janvrin, Officer Jason Larochelle, Officer Joe Gordon, Heidi Carlson; and public Allen Copp, Alfred and Patricia Martel, Charles Forsythe, and four other unidentified members of the public.

Chairman Cordes read the notice of public hearing which was published in the January Fremont Newsletter and in the Rockingham News on January 6, 2006.

Janvrin introduced his officers Jason Larochelle and Joe Gordon (also the Police Chief in Sandown NH). He said that a few months ago grant monies from the US Attorney's Office had become available to fund tasers. He explained that in the Use of Force Continuum, tasers are at the same level as OC spray. The purchase of the five proposed tasers would be funded in full by the grant. He indicated Officer Larochelle had just returned from Officer Training School for the taser use. He indicated that OC spray is designed

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to be a pain-compliance tool with eye and breathing discomfort when it is discharged. Some people fight through it and there is a high incidence of officer injury or exposure, as well as other people nearby.

The taser acts as an incapacitation weapon affecting sensory and motor function of the body long enough for an officer to take a suspect into custody, with less impact to the suspect and to the officer(s) involved.

It was questioned how many times such measures had been used in Fremont. Officer Larochelle indicated that they can't answer that as there are no tasers in Fremont but the officers listed several situations where OC spray had been used, including hands-on contact with some suspects on multiple occasions.

Questions were posed about using a night stick and whether officers carried these any more. Officers answered that they carry Mondanock expandable batons, but that using them is much more dangerous for the suspect. They indicated the taser is not meant to take the place of deadly force, and explained the use of firearms, the batons, and the tasers.

The taser effect lasts for five seconds and incapacitates the person long enough to be handcuffed or otherwise subdued, with no lasting effect or harm to the suspect. It was indicated that the taser is 50,000 volts, but what is important is the amperage, which is 0.36 joules. It does not cause any electrical problem for the person tased.

Charles Forsythe and Allen Copp left the meeting at 8:30 pm.

There was further discussion about the vendor who has done research as well as independent companies doing studies.

There were further concerns expressed about the future maintenance costs of the units. Larochelle said that the maintenance includes batteries and air cartridges. They will be under warranty initially as well. Janvrin explained that the cost of the officer training school for Larochelle was approximately \$285 and renewal recertification would be much less, perhaps \$80. There is four hours of inservice training required for use, and that is already included in the budget as in any year, where 24 hours of inservice training per officer is included.

Larochelle indicated that prior to taser use, the officer provides verbal commands to any suspect telling them what to do. He indicated there is no relationship between use of tasers and pacemakers. The amperage of the taser is 100 times less than that of a defibrillator.

It was indicated by the officers that for any use of the taser, the officer has to complete a "use of force" report and justify use of the weapon (as they would with any use of force). If there is found to have been no justification for it, the officer is disciplined in accordance with Department policy.

Officers reiterated that more goes on in Fremont than the public might be aware of. The officer's goal is to use the least amount of force necessary to affect the arrest or containment of any given suspect.

With no further question or discussion, at 8:40 pm the Selectmen closed the public hearing. There continued to be some discussion amongst officers, Board members, and the public present.

At 8: 50 pm Selectmen returned to their meeting and Robert Audette and Richard Lothian met with the Board. They had been present for a portion of the public hearing, listening to the discussion. They both indicated their support of Fremont police officers having tasers as it is a good tool for officers to have that is non-lethal.

Mr Audette met with Selectmen discuss an addition to his property at map 5 lot 41 for living space for his mother. Since his original discussion with the Building Inspector, Audette has decided that he only wants to build on a living space addition and not add a full dwelling unit for his mother.

For clarification, if another dwelling unit was added, the owner would need to upgrade the road to the Town's approved standard for Class VI roads, in order to get a building permit.

Audette said he will not put a kitchen in the unit and it is simply going to be a living area for his mother so that she has some space of her own. He indicated he currently has a three bedroom septic system and the total with the new space will still be three bedrooms. Audette was told to contact the Building Inspector to ensure that there were no other requirements to add on the living space.

A letter will be drafted to Mr Audette, copied to the Building Inspector to follow-up this evening's discussion.

Lothian said he had another question for the Selectmen related to his recent site plan review process. He is getting ready to build his new building. He has the old plans from the person who was originally going to construct this original building. He said that the Building Inspector had asked for a set of engineered plans for the building and Lothian wanted to confirm that he could use the plans that came with the building (parts and materials are on his site).

Selectmen said that the plans, if engineered for the building he will put on site should be OK, unless the Building Inspector has some information that would preclude their use. The Board said he should get the plans he has to the Inspector. Lothian added that the design includes snow loads and such. Selectmen indicated he needs to construct the building to meet whatever standards are prescribed.

Both men thanked the Board for their time and Audette and Lothian left the meeting at 9:03 pm. At that time Officers Larochelle and Gordon and Chief Janvrin returned to the meeting.

Janvrin asked the Selectmen if they had made a decision, which led to further follow-up discussion about the taser units.

Motion was made by Gates to accept the grant for the tasers and purchase them. Bolduc seconded and the vote was unanimously approved.

Gates said that he thought in the long run there would be less injuries to the police, the defendant, and it is much better than being shot or using a night stick. Janvrin reiterated that the taser in the force of continuum is less than the night stick.

Larochelle indicated the location on his back where he had been hit with the taser yesterday. He said that his mind was completely active when he was tased, and that he needed no medical attention, and five seconds later was able to get up on his own.

The officers left the meeting at approximately 9:20 pm.

NEW BUSINESS CONTINUED

8. Selectmen authorized a Lowe's commercial credit application for one card, to be kept at the Town Hall and signed out as necessary for use.

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9. Selectmen reviewed an abatement request from Robert Tilley and Jennifer Sartori for interest on a current use tax bill interest charge in the amount of \$451.00. Selectmen looked through the application and also had obtained information from the Deputy Tax Collector in this matter. The town followed statutory procedure and mailed the land use change tax bill to the owner at the time of the change. That owner apparently had moved (as indicated in their abatement letter) and they indicate they did not get either of the tax bill mailings or the letter sent by the Tax Collector. All were mailed first class, and none were received returned to the Town.

Given that the Town followed all procedures correctly as outlined by statute, and the property owners never reported any address change to the Town, motion was made by Cordes to deny the abatement. Bolduc seconded and the vote was unanimously approved 3-0.

10. A letter was received today showing the estimated highway block grant is back up to \$85,468.25. This would indicate that there are no statutory changes to the amount of the block grant as the Town had initially be informed.

11. Selectmen discussed the Annual Town Report. Further consideration needs to be given to a cover photo.

12. Selectmen reviewed and approved the February Newsletter for publication.

NEXT WEEK

The Budget Committee meets at 7:00 pm on Tuesday January 24, 2006

The next regular Board meeting will be held on Thursday January 26, 2006 at 6:00 pm. An appointment is scheduled with the Grasso's, Chief Janvrin and Thom Roy at 6:15.

With no further business, motion was made to adjourn the meeting at 9:45 pm by Bolduc and seconded by Gates. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator